

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

NOVO NORDISK A/S, et al,)	
)	
Plaintiffs,)	Case No. 3:23-cv-00650
)	
v.)	District Judge Trauger
)	
INDIAN LAKE MEDICAL WEIGHT)	Jury Demand
LOSS & WELLNESS, INC.,)	
)	
Defendant.)	

DEFENDANT'S ANSWER, DEFENSES & JURY DEMAND

Defendant, Indian Lake Medical Weight Loss & Wellness, Inc., by and through the undersigned counsel, files its Answer, Defenses & Jury Demand in response to the Complaint filed by Plaintiffs, Novo Nordisk A/S and Novo Nordisk Inc.

Answer

1. Defendant does not have sufficient knowledge or information to admit or deny the allegations of Paragraph 1 of the Complaint.
2. Defendant does not have sufficient knowledge or information to admit or deny the allegations of Paragraph 2 of the Complaint.
3. Defendant does not have sufficient knowledge or information to admit or deny the allegations in Paragraph 3 of the Complaint.
4. Denied.
5. Defendant does not have sufficient knowledge or information to admit or deny the allegations in Paragraph 5 of the Complaint.
6. Upon information and belief, Defendant admits the allegations in Paragraph 6 of the Complaint.

7. Upon information and belief, Defendant admits the allegations in Paragraph 7 of the Complaint.
8. Upon information and belief, Defendant admits the allegations in Paragraph 8 of the Complaint.
9. Upon information and belief, Defendant admits the allegations in Paragraph 9 of the Complaint.
10. Upon information and belief, Defendant admits the allegations in Paragraph 10 of the Complaint.
11. Denied.
12. Defendant does not have sufficient knowledge or information to admit or deny the allegations in Paragraph 12 of the Complaint.
13. Denied.
14. Defendant does not have sufficient knowledge or information to admit or deny the allegations in Paragraph 14 of the Complaint.
15. Denied.
16. Denied.
17. Denied.
18. Denied.
19. Defendant does not have sufficient knowledge or information to admit or deny the allegations in Paragraph 19 of the Complaint.
20. Defendant admits that the following text currently appears on a page of the FDA's website accessible at the link provided in Footnote 1 of Plaintiffs' Complaint:

"Compounded drugs **can serve an important medical need for patients, but they**

do not have the same safety, quality, and effectiveness assurances as approved drugs. Unnecessary use of compounded drugs unnecessarily exposes patients to potentially serious health risks.” (emphasis added). Defendant does not have sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 20 of the Complaint.

21. Defendant does not have sufficient knowledge or information to admit or deny the allegations of Paragraph 21 of the Complaint.
22. Denied.
23. Denied.
24. Denied.
25. Denied.
26. Defendant admits it continues to use the Wegovy® and Ozempic® marks. Defendant denies the remaining allegations in Paragraph 26 of the Complaint.
27. Denied.
28. Denied.
29. Denied.
30. Defendant does not have sufficient knowledge or information to admit or deny the allegations of Paragraph 30 of the Complaint.
31. Defendant does not have sufficient knowledge or information to admit or deny the allegations in Paragraph 31 of the Complaint.
32. Defendant does not have sufficient knowledge or information to admit or deny the allegations of Paragraph 32 of the Complaint.

33. Defendant admits that it is a corporation organized and existing under the laws of the State of Tennessee with a business address at 139 Maple Row Blvd, Suite 202, Hendersonville, Tennessee 37075, in this judicial district. Defendant denies the remaining allegations in Paragraph 33 of the Complaint.
34. Paragraph 34 of the Complaint asserts legal conclusions to which no answer is required.
35. Defendant admits that venue is proper in this district, it is subject to the Court's personal jurisdiction, and operates in this district. Defendant denies the remaining allegations in Paragraph 35 of the Complaint.
36. Defendant does not have sufficient knowledge or information to admit or deny the allegations in Paragraph 36 of the Complaint.
37. Defendant does not have sufficient knowledge or information to admit or deny the allegations in Paragraph 37 of the Complaint.
38. Denied.
39. Defendant does not have sufficient knowledge or information to admit or deny the allegations in Paragraph 39 of the Complaint.
40. Denied.
41. Denied.
42. Denied.
43. Denied.
44. Denied.
45. Denied.
46. Denied.

47. Denied.
48. Denied.
49. Defendant repeats and reincorporates its responses to Paragraphs 1-48 as if fully set forth herein.
50. Paragraph 50 of the Complaint asserts legal conclusions to which no answer is required.
51. Paragraph 51 of the Complaint asserts legal conclusions to which no answer is required.
52. Paragraph 52 of the Complaint asserts legal conclusions to which no answer is required.
53. Paragraph 53 of the Complaint asserts a legal conclusion to which no answer is required.
54. Denied.
55. Denied.
56. Denied.
57. Denied.
58. Denied.
59. Denied.
60. Denied.
61. Denied.
62. Denied.
63. Denied.

64. Defendant repeats and reincorporates its responses to Paragraphs 1-48 as if fully set forth herein.
65. Denied.
66. Denied.
67. Denied.
68. Denied.
69. Denied.
70. Denied.
71. Denied.
72. Denied.
73. Denied.
74. Denied.
75. Defendant repeats and reincorporates its responses to Paragraphs 1-48 as if fully set forth herein.
76. Denied.
77. Denied.
78. Denied.
79. Denied.
80. Denied.
81. Denied.
82. Denied.
83. Denied.
84. Denied.

85. Defendant repeats and reincorporates its responses to Paragraphs 1-48 as if fully set forth herein.
86. Denied.
87. Denied.
88. Denied.
89. Denied.
90. Denied.
91. Denied.
92. Defendant repeats and reincorporates its responses to Paragraphs 1-48 as if fully set forth herein.
93. Denied.
94. Paragraph 94 of the Complaint asserts legal conclusions to which no answer is required.
95. Denied.
96. Denied.
97. Denied.
98. Denied.
99. Denied.
100. Denied.
101. Denied.
102. If Defendant has failed to answer any allegations in Plaintiffs' Complaint that require an answer, those allegations are denied.

Defenses

1. The Complaint fails, in whole or in part, to state a claim upon which relief may be granted.
2. The Complaint is barred, in whole or in part, by the doctrines of acquiescence, waiver, estoppel, and/or license.
3. There is no likelihood of confusion between Plaintiffs' asserted trademarks and Defendant's use of the trademarks to describe Plaintiffs' products.
4. Defendant is not infringing and has not infringed, directly or indirectly, any valid and enforceable claim of the trademarks, either literally or under the doctrine of equivalents.
5. There is no sustained harm, irreparable or otherwise, due to Defendant's actions.
6. Plaintiffs' claims against Defendant are barred, in whole or in part, based on the doctrines of fair use, nominative fair use, and/or descriptive use. Defendant has prescribed, and continues to prescribe, Wegovy[®] and Ozempic[®] for its patients.
7. Defendant has prescribed Wegovy[®] and Ozempic[®] since the drugs were approved by the FDA, with the permission, consent, authorization, and encouragement of Plaintiffs. Allegations that Defendant was never authorized by Plaintiffs to sell their branded products are patently false.

Jury Demand

Defendant demands a trial by jury of all claims in Plaintiffs' Complaint.

Respectfully submitted,

/s/Daniel Crowell

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CERTIFICATE OF SERVICE

I certify that, on July 18, 2023, I filed a copy of the foregoing *Defendant's Answer, Defenses & Jury Demand* via the Court's electronic filing system, which will automatically notify and send a copy of the filing to:

Aaron Craig
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